



Docket No.: 200097US-2

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231



RE: Application Serial No.: 09/716,949
Applicants: Hiromichi ATSUUMI, et al.
Filing Date: November 22, 2000
For: OPTICAL SCANNING DEVICE HAVING A
TEMPERATURE COMPENSATION UNIT
Group Art Unit: 2872
Examiner: James PHAN

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SIR:

Attached hereto for filing are the following papers:

RESPONSE TO RESTRICTION REQUIREMENT

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

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DOCKET NO: 200097US-2

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF: :

Hiromichi ATSUUMI, et al. ✓ : GROUP: 2872

SERIAL NO: 09/716,949 ✓ : EXAMINER: PHAN, James

FILED: November 22, 2000 ✓ :

FOR: OPTICAL SCANNING DEVICE :
HAVING A TEMPERATURE
COMPENSATION UNIT

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RESPONSE TO RESTRICTION REQUIREMENT

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

SIR:

In response to the Restriction Requirement dated March 8, 2002, Applicants provisionally elect with traverse Group I, Claims 1-6 directed to an optical scanning device having a light source for emitting a light beam and an image forming apparatus using the same. Applicants make this election based on the understanding that Applicants are not prejudiced against filing one or more divisional applications that cover the non-elected claims.

Applicants traverse the outstanding Restriction Requirement as the outstanding Restriction Requirement has not established that an undue burden would be required if the Restriction Requirement was not issued and if all the claims were examined together. More particularly, MPEP §803 states:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.

In the present application no undue burden has been established if each of the claims were examined together. In contrast, the present restriction requirement subjects the Applicants to the added financial burden of prosecuting Claims 1-12 in separate proceedings.

Accordingly, it is respectfully requested that the requirement to elect a single group be withdrawn, and that a full examination on the merits of Claims 1-12 be conducted.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
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